

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**MATTHEW FRYE, JR.,**

Plaintiff,

**v.**

**CIVIL ACTION NO.: 3:14-CV-106  
(JUDGE GROH)**

**CHIEF JUDGE SOLOMON OLIVER, JR.,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Seibert filed his R&R on September 29, 2014. ECF 4. In that filing, he recommends that this Court transfer this case to the United States District Court for the Northern District of Ohio.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour,

889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Objections to Magistrate Judge Seibert's R&R were due within fourteen days of being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The record reflects that service was accepted on October 3, 2014 at the address provided by the Plaintiff. ECF 6. After service was accepted at that address, the copy of the R&R sent to the Plaintiff was returned to the clerk's office marked "return to sender" and "unable to forward." ECF 7.<sup>1</sup> Neither party has filed objections to the R&R. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the report and recommendation, it is the opinion of this Court that the magistrate judge's Report and Recommendation should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, the Court hereby **TRANSFERS** this matter to the United States District Court for the Northern District of Ohio for all further proceedings and **ORDERS** that any pending motions be carried with the case for consideration of the transferee court. Accordingly, this matter is **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and *pro se* parties.

**DATED:** October 24, 2014

  
GINA M. GROH  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Plaintiff has not provided the Court with an updated mailing address since initiating this case.